

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Kim	Team: Squad #6	CCRB Case #: 202007459	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/11/2020 1:50 AM	Location of Incident: Front of § 87(2)(b)	Precinct: 44	18 Mo. SOL 5/11/2022	EO SOL 5/11/2022	
Date/Time CV Reported Wed, 11/11/2020 2:34 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 11/11/2020 2:34 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Corey Graves	12570	956696	INT CIS
2. SSA Derwent Williams	01719	939693	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A.POM Corey Graves	Abuse: Police Officer Corey Graves searched the vehicle in which individuals were occupants.	§ 87(2)(g), § 87(4-b)
B.SSA Derwent Williams	Abuse: Sergeant Derwent Williams arrested § 87(2)(b) unlawfully.	§ 87(2)(g), § 87(4-b)
C.SSA Derwent Williams	Force: Sergeant Derwent Williams used physical force against § 87(2)(b)	§ 87(2)(g), § 87(4-b)
D.POM Corey Graves	Force: Police Officer Corey Graves used physical force against § 87(2)(b)	§ 87(2)(g), § 87(4-b)
E.SSA Derwent Williams	Abuse: Sergeant Derwent Williams threatened § 87(2)(b) with the use of force.	§ 87(2)(g), § 87(4-b)
F.SSA Derwent Williams	Abuse: Sergeant Derwent Williams searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(g), § 87(4-b)
G.POM Corey Graves	Abuse: Officers seized § 87(2)(b) property.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Case Summary

On November 11, 2020, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On November 11, 2020, at 1:50 a.m., § 87(2)(b) drove to Empire Parking Lot, located § 87(2)(b) in the Bronx. As he approached, he saw PO Corey Graves of the Criminal Intel Section and Sergeant Derwent Williams of the 44th Precinct conducting a vehicle stop involving unidentified individuals in the parking lot entrance. § 87(2)(b) did not know the individuals who were stopped. PO Graves searched the vehicle (**Allegation A: Abuse of Authority**, § 87(2)(g) Sgt. Williams allegedly gestured toward § 87(2)(b) to enter the parking lot. § 87(2)(b) drove into the parking lot and stopped his car by the parking lot agent's booth, when Sgt. Williams stopped him, ordered him to produce his ID. When § 87(2)(b) refused, Sgt. Williams and PO Graves unlawfully arrested him and used force to handcuff him (**Allegation B: Abuse of Authority**, § 87(2)(g) **Allegations C and D: Force**, § 87(2)(g) Sgt. Williams threatened to taser § 87(2)(b) (**Allegation E: Abuse of Authority**, § 87(2)(g) After they handcuffed § 87(2)(b) Sgt. Williams allegedly searched § 87(2)(b) vehicle (**Allegation F: Abuse of Authority**, § 87(2)(g) Sgt. Williams seized § 87(2)(b) vehicle (**Allegation G: Abuse of Authority**, § 87(2)(g) § 87(2)(g), § 87(4-b)

§ 87(2)(b) was arrested for resisting arrest, obstruction of governmental administration (OGA) in the second degree, and for disorderly conduct (creating hazardous conditions – vehicle), documented in Arrest Report § 87(2)(b)

Eight videos were obtained from PO Graves and Sgt. Williams' BWCs.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Corey Graves searched the vehicle in which individuals were occupants.

At the 1:06 mark in PO Graves' BWC (1 of 6) (**BR 01**), PO Graves tells the unidentified driver to turn off the vehicle and to take the keys out of the ignition. The driver informs the officers that the vehicle is a rental. At the 1:47 mark, the driver informs PO Graves that his license is not suspended but the court took his physical ID for a traffic violation. At the 3:32 mark, PO Graves enters the driver's seat and opens the center console. He removes some items from the console, then backs out and closes the door. He walks over to the passenger side and opens the glove compartment. He rifles around with the papers, shines his flashlight around, and closes the door. At the 4:54 mark, PO Graves asks the driver to open the trunk. At the 5:15 mark, PO Graves looks around in the trunk.

At the 3:32 mark in Sgt. Williams' BWC (1 of 2) (**BR 02**), a New Jersey license plate is visible and § 87(2)(b)

§ 87(2)(b) testified (**BR 03**) that on November 11, 2020, at around 1:40 a.m., he drove to the Empire Parking Lot located at § 87(2)(b) in the Bronx to park his vehicle. There were two vehicles, one civilian and one unmarked, near the entrance of the parking lot. The civilian vehicle was almost turned into the entrance. PO Graves searched the car and Sgt. Williams stood in front of

the vehicle. § 87(2)(b) observed two individuals with the officers. § 87(2)(b) did not know the individuals who were stopped.

PO Graves testified (BR 04) that on November 11, 2020, at approximately 1:15 a.m., Sgt. Williams and PO Graves conducted a vehicle stop in the entrance of a private parking lot, which involved two occupants. PO Graves did not document the license plate number or the individuals' names. PO Graves activated his sirens to pull the vehicle over for a minor vehicle infraction, but he did not remember what the infraction was. The vehicle pulled into the entrance of Empire Parking Lot, and PO Graves stopped his vehicle in the street. As PO Graves walked up to the vehicle, he smelled a strong odor of burnt and unburnt marijuana. PO Graves did not remember if the individuals were smoking when he approached. PO Graves did not remember if the vehicle's windows were open. There were no other individuals or vehicles in the immediate vicinity, and the odor was emanating specifically from the stopped vehicle. PO Graves requested the driver's ID and conducted a vehicle search due to the odor. The civilians were asked to exit the vehicle, and they stood at the rear of the vehicle with Sgt. Williams. PO Graves checked the vehicle floor, ashtray, and other areas of the vehicle. The odor of marijuana was the only reason for the vehicle search. PO Graves did not recover any marijuana.

Sgt. Williams' statement (BR 05) was consistent with PO Graves', except for the following. Sgt. Williams did not remember what led to this vehicle stop. Sgt. Williams did not remember if he obtained the names of the two male occupants of the vehicle, who were not issued any summons or arrested. The vehicle was searched because the occupants informed the officers that they had been smoking marijuana, which led them to believe that there were drugs in the vehicle, which was why PO Graves searched the vehicle. Sgt. Williams did not document the vehicle stop or any information about the vehicle, such as a license plate number, other than his BWC.

A request for Stop Reports was returned with negative results (BR 06).

§ 87(2)(b) Sgt. Williams, and PO Graves were unable to identify the two occupants of the stopped vehicle. The investigation did not find any documentation of the vehicle stop, and PO Graves and Sgt. Williams confirmed that the stop was only documented by their BWC. The individuals were not arrested or issued summonses. The BWC captures a New Jersey license plate § 87(2)(b) but the driver stated that it was a rental, and he did not own the vehicle. The driver additionally informed the officers that he did not have a valid driver's license/photo ID. Although the driver stated that the rental agreement was under his name, this is not confirmed by documentation. Due to these facts, the investigation was unable to identify the occupants of the stopped vehicle and obtain statements from them. Additionally, although Sgt. Williams stated that the occupants verbally mentioned marijuana, there is no discussion of marijuana in the BWC.

§ 87(2)(g)

§ 87(2)(g)

Allegation B—Abuse of Authority: Sergeant Derwent Williams arrested § 87(2)(b) unlawfully.

At the 4:08 mark in Sgt. Williams' BWC, § 87(2)(b) pulls up next to a vehicle which is parallel-parked on the street. § 87(2)(b) has his turn signal on, indicating his intent to enter the parking lot. Approximately seven seconds later at the 4:15 mark, § 87(2)(b) starts to turn into the entrance. At the 4:19 mark, § 87(2)(b) stops his vehicle at the curb, just before the parking lot

entrance. At the 4:25 mark, Sgt. Williams states to PO Graves who searches the vehicle on the passenger side, "Watch your back bro, because this guy § 87(2)(b) wants to go home." At the 4:32 mark, § 87(2)(b) continues to drive into the entrance. As § 87(2)(b) drives into the parking lot, Sgt. Williams shines his flashlight at § 87(2)(b) face and § 87(2)(b) puts his hand up to block the light. At the 5:18 mark, Sgt. Williams tells § 87(2)(b) who just exited his vehicle, that they are conducting an investigation and he entered the parking lot like he was "in an emergency." § 87(2)(b) response is inaudible. PO Graves tells the unidentified individuals to have a good day. Sgt. Williams tells § 87(2)(b) to stay there. Sgt. Williams approaches § 87(2)(b) and asks for license and registration. § 87(2)(b) states, "No, I'm not driving."

§ 87(2)(b) testified that he told Sgt. Williams that he wanted to enter the parking lot and they told him to go ahead around them. In a follow up call (BR 07), § 87(2)(b) clarified that when he drove up to the parking lot, the stopped vehicle partially blocked the entrance, but there was enough space for him to enter. § 87(2)(b) window was closed, but he motioned to Sgt. Williams to ask if he could enter. Sgt. Williams gestured toward the entrance by pointing to indicate that § 87(2)(b) could go. Sgt. Williams did not indicate that § 87(2)(b) should not go. As § 87(2)(b) drove into the parking lot, Sgt. Williams shone his flashlight in § 87(2)(b) face, so he could not see as he drove into the parking lot. § 87(2)(b) put his hands up in front of his face to block the light. § 87(2)(b) parked his vehicle approximately 50 feet away from the entrance. He gathered his belongings and walked over to the parking lot agent because this was a valet parking lot. When the officers approached, § 87(2)(b) received his ticket from the valet, but had not handed his keys to the valet yet. While he got his ticket from the agent, the officers said something to him, but § 87(2)(b) did not remember what they said. § 87(2)(b) asked Sgt. Williams why he shined his flashlight at him earlier, because he could not see while he was driving. Sgt. Williams pointed at him and told him to "stay there and give me your license." The officers told the initial stopped vehicle to leave, and it left. § 87(2)(b) asked why he had to give them his license since he had already parked, received his parking lot ticket and did not do anything.

Sgt. Williams testified that he did not remember if § 87(2)(b) stopped his vehicle before turning to enter the parking lot. § 87(2)(b) drove past the stopped vehicle, through the entrance, passing PO Graves who searched the stopped vehicle on the passenger side. Sgt. Williams was unable to estimate the amount of space there was for another vehicle to pass through to enter the lot. Sgt. Williams did not remember if § 87(2)(b) window was open or closed. Sgt. Williams did not remember if he made a specific gesture to § 87(2)(b) to go or stop. Sgt. Williams did not remember if PO Graves gestured to § 87(2)(b) to stop at any point. Sgt. Williams did not remember if he or PO Graves said anything to § 87(2)(b). Sgt. Williams stated that § 87(2)(b) entry into the parking lot was reckless in that he put Sgt. Williams at risk since he stood in the street facing two individuals who could have pushed him into the street. § 87(2)(b) did not drive in a reckless manner. By proceeding, § 87(2)(b) failed to yield to an emergency vehicle and committed OGA. § 87(2)(b) did not do anything else that constituted OGA. Sgt. Williams was unable to estimate how close § 87(2)(b) drove past PO Graves. After § 87(2)(b) exited his vehicle, Sgt. Williams approached § 87(2)(b) and asked for his license, which § 87(2)(b) refused to produce.

PO Graves testified that his back was turned toward § 87(2)(b) when he entered the lot. Sgt. Williams alerted PO Graves that § 87(2)(b) was trying to drive past him, and PO Graves stated that § 87(2)(b) drove by within a "close proximity" (six feet) of PO Graves as he entered the parking lot. PO Graves did not remember if Sgt. Williams issued § 87(2)(b) any verbal commands, including orders to stop or proceed. PO Graves noticed Sgt. Williams' flashlight, but he did not remember any physical gestures indicating to § 87(2)(b) to stop or proceed. PO Graves did not remember if he made any physical gestures or verbal commands to § 87(2)(b) to stop.

§ 87(2)(b) could have been arrested for OGA for proceeding during the officers' investigation and creating unsafe and dangerous conditions for the officers and the civilians.

According to Arrest § 87(2)(b) (BR 08), § 87(2)(b) was arrested for resisting arrest, OGA in the second degree, and for disorderly conduct (creating hazardous conditions – vehicle). The arrest report states, “At TPO deft was observed operating above listed vehicle and upon lawful stop deft did refuse to provide identification when asked to do so several times. while attempting to place perp under arrest deft did lock his arms and flail his arms and body in an attempt to prevent arrest.” § 87(2)(b) was released with Desk Appearance Ticket § 87(2)(b) (BR 09).

In order to stop a person, there must exist at that moment a founded suspicion that the person has committed, is committing, or is about to commit a crime People v. Debour, 40 N.Y.2d 210 (1976) (BR 10). Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway with activated lights, NY Vehicle and Traffic Law 1144(a) (BR 11). A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof: 7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose, NY CLS Penal Law 240.20 (BR 12). A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, NY CLS Penal Law 195.05 (BR 13). Uniformed members of service may make an arrest without a warrant: a. for an offense when reasonable cause to believe offense committed in his presence, or b. for a crime (within presence or not) and reasonable cause exists that arrested person committed the crime, Patrol Guide Procedure 208-01 (BR 14). A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person, NY CLS Penal Law 205.30 (BR 15). In People v. Stephen, 153 Misc. 2d 382 (1992) (BR 16), the defendant argued that because no violation of disorderly conduct occurred, the officer was not authorized to arrest the defendant. As the officer was not authorized to make an arrest at the time the defendant struggled with the officer, an essential element of resisting arrest was lacking. Accordingly, the charge of resisting arrest was dismissed for facial insufficiency.

It is undisputed that Sgt. Williams and PO Graves conducted an unrelated vehicle stop and search when § 87(2)(b) approached and entered the parking lot, passing PO Graves who stood at the passenger side of the stopped vehicle. After § 87(2)(b) entered the parking lot and exited his vehicle, Sgt. Williams stopped § 87(2)(b) and asked for his license and registration.

§ 87(2)(b) stated that he entered the lot because Sgt. Williams signaled to him that he could. Sgt. Williams and PO Graves stated that the sole reason for stopping § 87(2)(b) was that by entering the parking lot, he created a hazardous condition during their investigation for the initial vehicle stop. It is not illegal to drive past a vehicle stop, and neither officer claimed that they verbally or physically ordered § 87(2)(b) to stop or that § 87(2)(b) disobeyed such orders. § 87(2)(b) actions served a legitimate purpose of entering the parking lot and did not interfere with police activities, with or without intent. BWC depicts that § 87(2)(b) activated his turn signal and stopped his vehicle for approximately seven seconds before he turned toward the entrance, and then paused for a further twelve to thirteen seconds during which Sgt. Williams alerted PO Graves and PO Graves stepped away from the stopped vehicle. It was only after PO Graves stepped aside that § 87(2)(b) drove slowly past PO Graves. § 87(2)(b) exercised care in entering the parking lot and given that there were no other individuals in the area besides the officers and the stopped individuals, he did not violate NY Vehicle and Traffic Law 1144(a) or cause public inconvenience,

annoyance, or alarm, with or without intent. Although § 87(2)(b) was arrested for disorderly conduct and OGA, the investigation has determined based on BWC footage that § 87(2)(b) was not guilty of violating NY CLS Penal Law 240.20, NYC CLS Penal Law 195.05, or any other violations by driving slowly past the vehicle stop. § 87(2)(g)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C—Force: Sergeant Derwent Williams used physical force against § 87(2)(b)

Allegation D—Force: PO Corey Graves used physical force against § 87(2)(b)

Allegation E—Abuse of Authority: Sergeant Derwent Williams threatened § 87(2)(b) with the use of force.

At the 5:35 mark in Sgt. Williams' BWC, Sgt. Williams tells § 87(2)(b) that he will be going to jail. At the 5:44 mark, Sgt. Williams tells the parking lot agent that § 87(2)(b) needs to get his car out of the lot. At the 5:46 mark, PO Graves approaches § 87(2)(b) and tells him to turn around and put his hands behind his back. § 87(2)(b) backs away from the officers as PO Graves grabs § 87(2)(b) right arm with his left hand. At the 5:53 mark, Sgt. Williams states, "Don't resist. Don't resist. You will be tased. Don't resist. You will be tased." At the 5:57 mark, § 87(2)(b) is backed up against a dumpster and Sgt. Williams turns him around by his left arm. At the 6:12 mark, PO Graves and Sgt. Williams handcuff § 87(2)(b)

§ 87(2)(b) testified that PO Graves and Sgt. Williams grabbed § 87(2)(b) by his shoulders and hands and told him that he was under arrest. They placed § 87(2)(b) hands behind his back. Sgt. Williams told § 87(2)(b) not to refuse or that he will be tased. § 87(2)(b) did not struggle with the officers or try to pull his arms away because he was scared after this statement. On § 87(2)(b) § 87(2)(b) went to an urgent care center, § 87(2)(b) in the Bronx.

Sgt Williams testified that when § 87(2)(b) exited his vehicle, he approached § 87(2)(b) and asked for his license at least one time. § 87(2)(b) refused to provide any information because he was not driving and no longer in his vehicle. § 87(2)(b) was placed under arrest because he refused to provide the necessary identification for the officers to issue him a summons for failing to yield to an emergency vehicle, which was obstruction of governmental administration. PO Graves told § 87(2)(b) to place his hands behind his back, and he was not compliant, so Sgt. Williams told him not to resist. PO Graves and Sgt. Williams used minimal force by grabbing § 87(2)(b) by the arms to place § 87(2)(b) in handcuffs. Sgt. Williams did not remember where he specifically grabbed § 87(2)(b). Sgt. Williams did not remember taking any other actions besides placing § 87(2)(b) hands behind his back. Sgt. Williams did not remember what § 87(2)(b) did with his arms as Sgt. Williams and PO Graves handcuffed him. Sgt. Williams physically turned

§ 87(2)(b) around because he verbally refused and tensed his body. § 87(2)(b) did not do anything besides tensing his body to physically resist. Sgt. Williams explained that he threatened to use his taser because if § 87(2)(b) continued to resist arresting. Sgt. Williams did not believe that § 87(2)(b) had done anything that necessitated the use of a taser up to that point, and his statement was a warning for continued resistance.

PO Graves testified that § 87(2)(b) refused to provide ID approximately five times in a period of approximately 15 seconds, so it was decided that § 87(2)(b) would be handcuffed and placed under arrest. § 87(2)(b) aggressively flailed his arms to avoid arrest, but § 87(2)(b) was ultimately handcuffed and taken into custody. Sgt. Williams initiated the arrest by telling § 87(2)(b) that he was under arrest. Sgt. Williams attempted to grab § 87(2)(b) arm, but § 87(2)(b) flailed his arms and continued to yell. PO Graves assisted Sgt. Williams and grabbed § 87(2)(b) hands, using minimal force to handcuff him. PO Graves did not remember if § 87(2)(b) left arm was lifted behind him in an uncomfortable position. § 87(2)(b) tried to pull his arms away from PO Graves several times. It took approximately 10 seconds to place § 87(2)(b) in handcuffs. PO Graves did not remember if Sgt. Williams threatened to use his taser while they placed § 87(2)(b) under arrest. PO Graves did not believe a taser was necessary, as § 87(2)(b) was placed under arrest quickly.

Arrest Report § 87(2)(b) states that § 87(2)(b) was observed operating his vehicle, and upon being stopped, he refused to provide identification. While the officers attempted to place § 87(2)(b) under arrest, § 87(2)(b) locked and flailed his arms and body to prevent arrest. § 87(2)(b) and § 87(2)(b) (BR 17), note Level 1 force was used. The type of Force used by MOS is marked as “N/A”, and the reason was to overcome resistance or aggression.

§ 87(2)(b) medical records (BR 18) § 87(2)(b) note that § 87(2)(b) was seen § 87(2)(b) § 87(2)(b) reported pain in his left shoulder because his arm was “yanked” behind his back during an arrest the previous day. § 87(2)(b) physical exam was normal except for abnormal range of motion and tenderness to palpation in his left shoulder. Two X-rays were taken of § 87(2)(b) shoulder, and the final assessment was a sprained shoulder and arthralgia (joint pain). § 87(2)(b) was prescribed ibuprofen and received recommendations to rest.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody, Patrol Guide Procedure 221-01 (BR 19). A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It is prohibited to use a CEW in situations that do not require the use of physical force, Patrol Guide Procedure 221-08 (BR 20).

It is undisputed that PO Graves and Sgt. Williams used some level of force to place § 87(2)(b) hands behind his back and handcuff him. § 87(2)(b) was diagnosed with a shoulder sprain when he sought medical treatment. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) denied struggling with the officers or resisting. BWC captured Sgt. Williams state, “You will be tased,” twice, as he told § 87(2)(b) to stop resisting. Although PO Graves testified that § 87(2)(b) “aggressively flailed” his arms, Sgt. Williams stated that § 87(2)(b) only

tensed his body to resist arrest. Although BWC captures that § 87(2)(b) stepped away from the officers as they approached him to handcuff him, it does not capture any flailing of his arms. It took less than 30 seconds to handcuff § 87(2)(b) from the time that PO Graves told § 87(2)(b) to place his hands behind his back. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation F—Abuse of Authority: Sergeant Derwent Williams searched the vehicle in which § 87(2)(b) was an occupant.

Sgt. Williams' BWC was activated during the entire time he was at the incident location. At the 6:45 mark, Sgt. Williams opens the back door of § 87(2)(b) vehicle and places something on the back seat, then shuts the door. Sgt. Williams states that they are going to take the vehicle. Sgt. Williams did not enter the vehicle or search the vehicle while at the incident location.

§ 87(2)(b) testified that Sgt. Williams took his keys and entered his car. § 87(2)(b) saw Sgt. Williams look around the vehicle. While Sgt. Williams searched § 87(2)(b) car, additional unidentified officers arrived.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation G—Abuse of Authority: Sergeant Derwent Williams seized § 87(2)(b) property.

At the 10:59 mark in Sgt. Williams' BWC, Sgt. Williams asks another unidentified officer to take the car back.

§ 87(2)(b) testified that after he was arrested, his vehicle was transported to the stationhouse. Although § 87(2)(b) obtained a parking lot ticket from the attendant, he was still in possession of the vehicle keys when stopped and arrested. When § 87(2)(b) was released with a DAT, all his belongings were returned to him, including his vehicle.

Sgt. Williams testified that after § 87(2)(b) was arrested, all his property, including his vehicle, was vouchered for safekeeping at the 44th Precinct stationhouse. The vehicle was transported to the stationhouse because it was not legally parked, and it was not secure.

PO Graves' statement was consistent with Sgt. Williams'.

A request for property vouchers in connection with Arrest § 87(2)(b) was returned with negative results (BR 21). PO Graves, the arresting officer, documented § 87(2)(b) arrest in the command log (BR 22) at 1:59 a.m. and noted "all property RTO (returned to owner)."

Have vehicle or other conveyance not required as evidence safeguarded, if appropriate, Patrol Guide Procedure 208-03 (BR 23).

§ 87(2)(b) confirmed that he had not yet given the attendant his keys for valet parking when he was stopped and arrested, and therefore the vehicle was still in his possession and not properly

parked or secured. It is reasonable that Sgt. Williams decided to have § 87(2)(b) vehicle taken to the stationhouse for safekeeping, along with § 87(2)(b) other belongings when he was transported for processing.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 24).
- PO Graves has been a member-of-service for seven years and has been a subject in seven CCRB complaints and 19 allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Williams has been a member-of-service for 16 years and has been a subject in 15 cases and 38 allegations, of which four were substantiated:
 - 201801532 involved substantiated allegations of a frisk and stop against Sgt. Williams. The Board recommended Charges and the NYPD imposed forfeiture of vacation days.

- 201404505 involved substantiated allegations of seizure of property and a vehicle search against Sgt. Williams. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- § 87(2)(b) filed a Notice of Claim with the City of New York (**BR 26**). § 87(2)(b)
[REDACTED]
[REDACTED]

Investigator: Lily Kim Investigator Lily Kim 3/14/2022
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____